

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

E.P.,

Plaintiff,

v.

TEHACHAPI UNIFIED SCHOOL
DISTRICT, *et al.*,

Defendants.

Case No. 1:23-cv-01724-JLT-CDB

ORDER ON STIPULATION EXTENDING
TIME *NUNC PRO TUNC* FOR
DEFENDANT TO RESPOND TO THE
COMPLAINT

(Doc. 25)

ORDER RESETTING SCHEDULING
CONFERENCE

On December 14, 2023, Plaintiff E.P. (“Plaintiff”) initiated this action with the filing of a complaint against Defendants Tehachapi Unified School District (“TUSD”) and Jason Grimes (collectively, “Defendants”). (Doc. 1). After granting the parties’ stipulated requests to extend Defendants’ time to respond to the complaint, Defendant TUSD timely filed a motion to dismiss (Doc. 18) and Defendant Grimes’ time to respond expired on April 12, 2024 (Doc. 17).

Defendant Grimes failed to timely respond to the complaint. On April 19, 2024, Defendant Grimes filed a stipulated request for order extending his time to respond to the complaint. (Doc. 25). In the stipulated request, Defendant Grimes asserts he obtained new counsel on or about April 9, 2024, and new counsel requires additional time to substitute into this matter and prepare a responsive pleading. (Doc. 25 at 2).

1 In the Eastern District of California, “[r]equests for Court-approved extensions brought on
2 the required filing date for the pleading or other document are looked upon with disfavor.” Local
3 Rule 144(d). While the Court finds good cause to grant the requested relief, here, it should have
4 become apparent to Defendant Grimes that he required an extension of time to file a responsive
5 pleading before the April 12, 2024, deadline. The Court disfavors granting relief *nunc pro tunc*
6 and admonishes Defendant Grimes to exercise better care and to adhere to this Court’s Local
7 Rules in all future filings.

8 Accordingly, IT IS HEREBY ORDERED:

- 9 1. Defendant Grimes shall have until April 29, 2024, to file a responsive pleading to
10 Plaintiff’s complaint;
- 11 2. Defendant TUSD’s time to file a responsive pleading remains governed by Fed. R.
12 Civ. P. 12(a)(4)(A); and
- 13 3. To permit the pleadings to settle, the initial scheduling conference set for May 8,
14 2024, shall be continued to May 15, 2024, at 9:00 a.m. All prior orders and directions
15 concerning the parties’ filing of a joint scheduling report and appearance at the
16 scheduling conference remain in effect.

17 IT IS SO ORDERED.

18 Dated: April 23, 2024

19 
UNITED STATES MAGISTRATE JUDGE